

FEMA,” alleging that FEMA failed to assist her with the “roofing” on her property in St. Louis, Missouri. Plaintiff sought monetary damages and “repair, take money that was paid out, ins. too.”

In her complaint, plaintiff had failed to state the grounds for filing the action in Federal Court. Moreover, as a result of the limited allegations contained in the complaint, there was no indication that the instant action arose under the Constitution, laws or treaties of the United States, thus, federal question jurisdiction under 28 U.S.C. § 1331 was inapplicable. Furthermore, even liberally construing the complaint as brought under § 1332, the Court could not find that diversity existed. The amount in controversy was unspecified and plaintiff had failed to properly allege an actual defendant or diversity of citizenship. On appeal, the Eighth Circuit upheld this Court’s Rule 12(h)(3) dismissal.

On June 10, 2013, plaintiff filed a motion to reopen this matter, attaching a new complaint to her motion that is essentially a replica of her first complaint in this action. The new complaint names as a defendant the “Maryland National Processing Center, U.S. Department of Court, Eastern District of, Homeland Security, FEMA,” and simply states that plaintiff is refiling her action for “the property of [her] building in St. Louis MO. 63133.” Plaintiff, still a citizen of Indiana, states in the body of the complaint that FEMA still is failing to assist her

with the roof on her property in St. Louis. As plaintiff's allegations have not substantially changed, the Court will decline to reopen a matter which it has already stated it lacked jurisdiction over in a prior Memorandum and Order.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's post-dismissal motions to reopen her case [Doc. #14 and #15] are **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel and motion for leave to proceed in forma pauperis [Doc. #16 and #17] are **DENIED AS MOOT**.

Dated this 13th day of June, 2013.

/s/Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE